IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8005 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GORDHANDAS T SATANI

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioner

MR PREMAL JOSHI AGP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 06/10/2000

ORAL JUDGEMENT

The petitioner before this Court is the Superintending Engineer and challenges the order of suspension dated 25th September, 1992. On 11th November, 1992, this Court [Coram : M.S Parikh, J.] directed notice to issue to the respondents and made an ad-interim

order in terms of paragraph 10 (C) of the petition ie., the Court was pleased to stay the order of suspension dated 25th September, 1992 [Annexure-A to the petition] and to suspend its execution, operation, implementation and enforcement and to reinstate/continue the petitioner as Superintending Engineer and to maintain status quo prevailing prior to 25th September, 1992. The said ad-interim order was confirmed on 21st July, 1993.

Hence, it appears that the order of suspension dated 25th September, 1992 has not been given effect to, since the above referred orders. It is true that the petitioner was charged of grave misconduct amounting to lack of integrity. However, since the order of suspension has not been operated for nearly eight years, I see no justification in permitting it to operate at this belated stage. The petition is, therefore, allowed. Rule is made absolute in terms of the interim order. The parties shall bear their own costs.

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Prakash*